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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MELISSA A. KOTULSKI,

Plaintiff

v.

WILLIAM A. KEMP,

Defendant

Case No.: 3:24-cv-00446-MMD-CSD

**Report & Recommendation of
United States Magistrate Judge**

ECF Nos. 8, 9

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff filed a civil complaint that was not accompanied by an application to proceed *in forma pauperis* (IFP) or the filing fee. On October 9, 2024, the court issued an order giving Plaintiff 30 days to file a completed IFP application or pay the filing fee. She was cautioned that a failure to timely do so would result in her action being dismissed without prejudice. (ECF No. 4.)

On October 29, 2024, Plaintiff filed a motion for an extension of time to file a motion explaining the need and justification for a fee waiver. (ECF No. 8.) On November 1, 2024, however, she filed a motion which the court construes as a request to voluntarily dismiss this action with a reservation of the right to bring it in another jurisdiction. (ECF No. 9.)

The court finds that dismissal is appropriate under Federal Rule of Civil Procedure 41(a).

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the District Judge enter an order **GRANTING** Plaintiff's request to voluntarily dismiss this action (ECF No. 9); **DENYING** the request for an

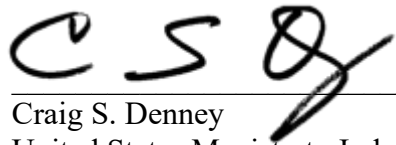
1 extension of time to file an IFP application (ECF No. 8) **WITHOUT PREJUDICE**; and
2 **DISMISSING** this action **WITHOUT PREJUDICE**.

3 The Plaintiff should be aware of the following:

4 1. Plaintiff may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
5 this Report and Recommendation within fourteen days of being served with a copy of the Report
6 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
7 Report and Recommendation” and should be accompanied by points and authorities for
8 consideration by the district judge.

9 2. That this Report and Recommendation is not an appealable order and that any notice of
10 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
11 until entry of judgment by the district court.

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13 Dated: November 15, 2024

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15 Craig S. Denney
16 United States Magistrate Judge
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